

Subject: RE: punished yet again for e-filing
From: "Doll, John" <John.Doll@USPTO.GOV>
Date: Mon, 25 Sep 2006 19:45:37 -0400
To: "Carl Oppedahl" <carl@oppedahl.com>
CC: "Stryjewski, William" <William.Stryjewski@USPTO.GOV>, "Bahr, Robert" <Robert.Bahr@USPTO.GOV>

Bob / Steve - Could you please look into this and let me know what happened?

Thanks

-----Original Message-----

From: Carl Oppedahl [mailto:carl@oppedahl.com]
Sent: Monday, September 25, 2006 7:41 PM
To: Doll, John
Cc: Stryjewski, William
Subject: punished yet again for e-filing

Our file GREN.P001-2

I wrote to you on September 1, 2006 to complain that USPTO had punished us for e-filing by mailing a Notice of Non-Compliant Amendment in one of our applications. On September 13, a Mr. Fiorello called to say that the training materials were in error and had prompted the LIE to mail the improper Notice. Mr. Fiorello assured me that new training materials would be immediately given to the LIEs so that this would not happen again.

Now we have received another Notice of Non-Compliant Amendment dated September 21, 2006. This is in our application number 09/682,985. The Notice arrived in the mail today, September 25, 2006.

Once again we are punished for having e-filed this response. Had we filed on paper, we would have used an ink signature and this problem would never have arisen. By treating e-filers more harshly than paper filers, the USPTO is sending the wrong signals as to whether a customer should file on paper or electronically.

This wrongful mailing of this Notice could lead to a loss of patent term adjustment for our client. In addition, it embarrasses me in front of our client. The Notice must be expressly withdrawn by the USPTO, both so that the patent term adjustment will not be affected adversely, and so that I can show the withdrawal to my client so that my client knows I did not err.

I look forward to hearing that the Notice of Non-Compliant Amendment has been withdrawn.

I would also suggest that you look into why the new training materials did not keep this from happening.

REPORTING LETTER 10/30/2006
COMPUTER DOCKET ✓ In view of NICA
PAPER DOCKET _____

Application number 09/682,985

SECOND REQUEST FOR WITHDRAWAL OF NOTICE OF NON-COMPLIANT AMENDMENT

On September 25, 2006 the undersigned asked John Doll that the Notice of Non-Compliant Amendment be withdrawn, as shown in the attached email message.

More than four months has passed and the Notice of Non-Compliant Amendment has not been withdrawn.

It is urgently requested that the Notice of Non-Compliant Amendment be withdrawn.

Respectfully submitted,

/s/

Carl Oppedahl
PTO Reg. No. 32746